

**FAX TRANSMISSION**

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DATE: August 17, 2007

TOTAL PAGES INCLUDING
COVER PAGE: 4

TO: Commissioner for Patents
ATTN: PCT Legal Staff
FAX NO: (571) 273-0459

FROM: Harriet M. Strimpel, D.Phil.
FAX NO: (978) 356-5094

RE: Petition for Revival of Application
Docket No.: BH-003-PUS
First Named Inventor: Huimin Kong
International Application No.: PCT/US05/009829
International Filing Date: 3/23/2005
U.S. Application No.: 10/594,095
Title: Helicase-Dependent Amplification of Circular Nucleic Acids

As suggested by one of your staff members at the PCT help desk, we are sending the attached petition via facsimile in order to expedite the petition.

Please confirm receipt of this document by return facsimile to (978) 356-5064.

Please see attached.

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Legal Staff
International Division

PTO/SB/64/PCT (05-07)

Approved for use through 02/28/2010. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
BH-003-PUS

First Named Inventor: Huimin Kong

International (PCT) Application No.: PCT/US05/009829

U.S. Application No.: 10/594,095
(if known)

Filed: March 23, 2005

Title: Helicase-Dependent Amplification of Circular Nucleic Acids

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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17 AUG 2007
Legal Staff
International Division

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all International applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$750 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27. Please charge deposit account no. 14-0740 for the petition fee.

☐ Other than small entity - fee \$ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
an executed declaration and fees will be filed imminently (identify type of reply):

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64/PCT (05-07)

Approved for use through 02/28/2010. OMB 0651-0021

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3. Terminal disclaimer with disclaimer fee

☐ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Harriet Strimpel

Signature

8/17/07

Date

Harriet M. Strimpel, D.Phil.

Typed or Printed Name

37,008

Registration Number, if applicable

New England Biolabs, Inc.

(978) 380-7373

Telephone Number

Address

240 County Road, Ipswich, MA 01938

Address

Enclosures:

☐

Response

☒

Fee Payment Authorization

☐

Terminal Disclaimer

☒

Other (please identify):

Statement that delay was unintentional

Docket: BH-003-PUS

IN THE UNITED STATES ELECTED OFFICE

APPLICANT: BIOHELIX CORPORATION ET AL.

U.S. APPLICATION NO.: 10/594,095

PCT APPLICATION NO.: PCT/US2005/09829

INTERNATIONAL FILING DATE: 23 MARCH 2005

FOR: HELICASE-DEPENDENT AMPLIFICATION OF
CIRCULAR NUCLEIC ACIDS

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Commissioner for Patents
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Alexandria, VA 22313-1450

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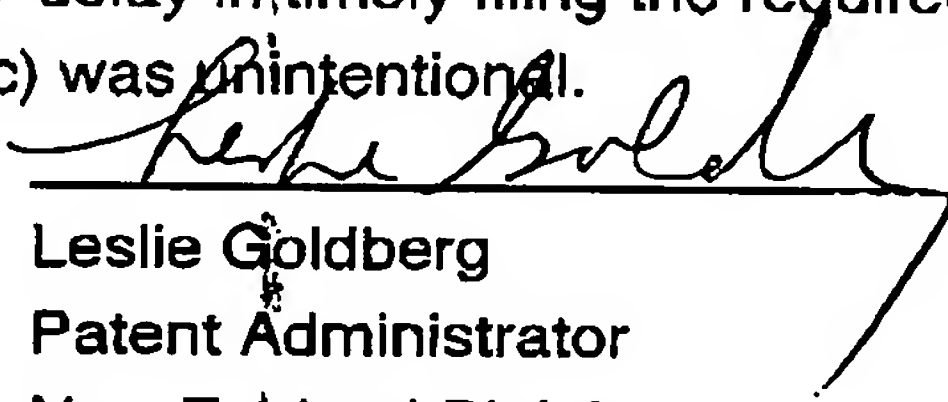
I hereby certify that this document is being transmitted via facsimile to (571) 271-0459 to the PCT Legal Staff, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 17 August 2007.


Leslie Goldberg

Sir:

STATEMENT

I hereby state that the Applicants' delay in timely filing the required fees and documents required by 35 U.S.C. 371(c) was unintentional.


Leslie Goldberg
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